

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 10-53533

JOHN G. SZYMANSKI, SR., and  
CAROL A. SZYMANSKI,

Chapter 12

Judge Thomas J. Tucker

Debtors.

**ORDER DISMISSING CASE AS TO DEBTOR CAROL A. SZYMANSKI ONLY**

On April 23, 2010 at 5:51 p.m., Debtors filed a voluntary petition for relief under Chapter 12, commencing this case. On April 30, 2010, Debtors filed "Certificates of Counseling" (Docket ## 18, 19). Debtor John G. Szymanski, Sr.'s Certificate of Counseling (Docket # 18) states that on April 23, 2010 at 4:17 p.m., Debtor John G. Szymanski received "an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111." Debtor Carol A. Szymanski's Certificate of Counseling (Docket # 19), states that on **April 26, 2010**, Debtor Carol A. Szymanski received "an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111."

Debtor Carol A. Szymanski is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That provision provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

Debtor Carol A. Szymanski only received credit counseling *after* filing the bankruptcy petition. With exceptions not applicable here, 11 U.S.C. § 109(h)(1) requires a debtor to obtain credit counseling *before* filing a bankruptcy petition. And that section applies to individual debtors filing for relief under Chapter 12. *See, e.g., Bogedain v. Eisen*, No. 06-11831, 2006 WL 2471939, at \* 2 (E.D. Mich. August 24, 2006).

Accordingly,

IT IS ORDERED that this case is DISMISSED as to Debtor Carol A. Szymanski, only.

**Signed on May 11, 2010**

**/s/ Thomas J. Tucker**

**Thomas J. Tucker  
United States Bankruptcy Judge**